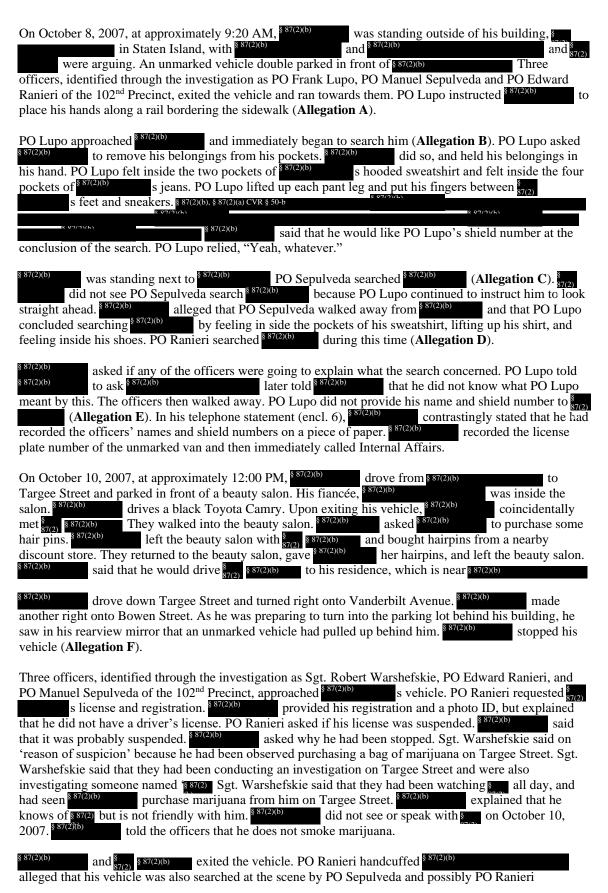
CCRB INVESTIGATIVE RECOMMENDATION

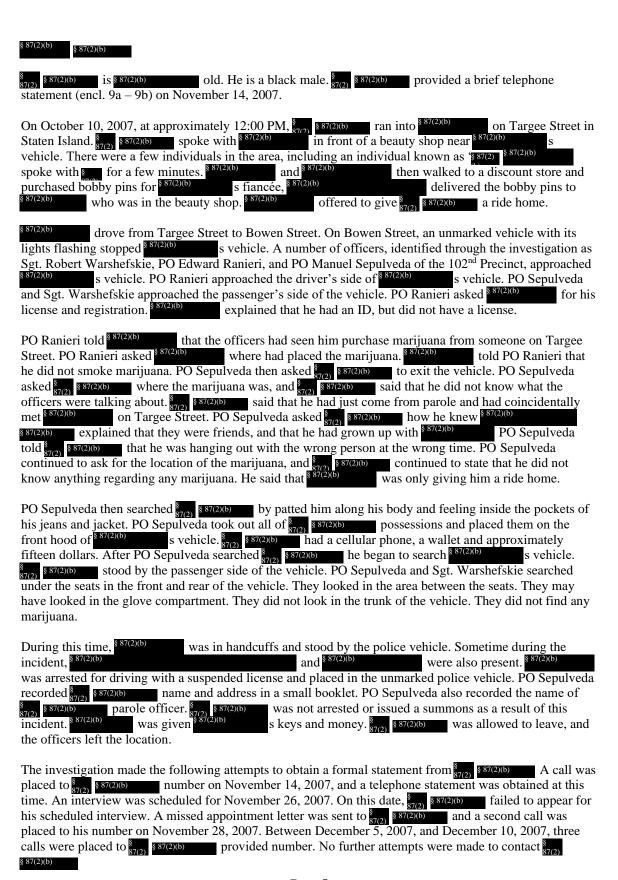
Investigator:		Team:	CCRB Case #:	☐ Foi	rce		Discourt.	☐ U.S.
Anna Steel		Team # 8	200714836	☑ Ab	use		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Prec	inct:	18	Mo. SOL	EO SOL
Monday, 10/08/2007 9:20 AM, Web 10/10/2007	dnesday,	§ 87(2)(b)		12	20	4	/8/2009	4/8/2009
Date/Time CV Reported		CV Reported At:	How CV Reported:	Dat	te/Time	Rece	ived at CCI	RB
Mon, 10/08/2007 9:20 AM		IAB	Phone	Thu	ı, 10/11	/2007	7 12:03 PM	•
Complainant/Victim	Туре	Home Addre	ess	· · · · · · · · · · · · · · · · · · ·				
Witness(es)		Home Addre	ess					
•	Shield	TaxID	Command					
· · · · · · · · · · · · · · · · · · ·	08621	928677	120 PCT					
2. SGT Robert Warshefskie	05218	894998	120 PCT					
3. POM Manuel Sepulveda	16172	929157	120 PCT					
4. POM Edward Ranieri	03958	937342	120 PCT					
Officer(s)	Allegatio	n			Inve	stiga	tor Recon	nmendation
A.POM Frank Lupo	Abuse: O	n October 8, 2007, PO	Frank Lupo stopped	§ 87(2)(b)				
	Abuse: O	n October 8, 2007, PO	Frank Lupo searched	d				
C.POM Manuel Sepulveda	Abuse: O	n October 8, 2007, PO	Manuel Sepulveda s	earched				
	Abuse: On October 8, 2007, PO Edward Ranieri searched							
E.POM Frank Lupo	Abuse: O provide h	n October 8, 2007, PO is name and shield num	Frank Lupo refused ber to \$ 87(2)(b)	to				
F.SGT Robert Warshefskie	Abuse: O stopped tl	n October 10, 2007, Sg he car in which § 87(2)(b)	t. Robert Warshefski was an occ					
	Abuse: O supervise was an oc	n October 10, 2007, Sg d the search of the car is ecupant.	t. Robert Warshefski n which §87(2)(b)	ie				
_	Abuse: O searched § 87(2)(g), § 87(Manuel Sepulveda					

Synopsis

On October 8, 2007, at approximately 9:20 AM, \$87(2)(b) and \$87(2)
were standing in front of \$87(2)(b) in Staten Island. An unmarked vehicle pulled up and three officers, identified through the investigation as PO Frank Lupo, PO Manuel Sepulveda and PO Edward Ranieri of the 102 nd Precinct, approached them. PO Lupo instructed to place his hands along a railing bordering the sidewalk. (Allegation A). PO Lupo searched (Allegation B). S87(2)(b) told PO Lupo that he would like his name and shield number at the conclusion of the incident. S87(2)(b) allegation D). PO Lupo did not provide his name and shield number to S87(2)(b) (Allegation D). PO Lupo did not provide his name and shield number to S87(2)(b) at the conclusion of the incident (Allegation E). The officers then left the location in their unmarked vehicle.
On October 10, 2007, \$\frac{\mathbb{S}^{7(2)(b)}}{\text{in Staten Island.}}\$ and \$\frac{\mathbb{S}^{7(2)(b)}}{\text{special}}\$ were drove from Targee Street to the rear of \$\frac{\mathbb{S}^{7(2)(b)}}{\text{special}}\$ in Staten Island. \$\frac{\mathbb{S}^{7(2)(b)}}{\text{special}}\$ observed an unmarked police vehicle behind him and stopped his vehicle (Allegation F). Three officers, identified through the investigation as PO Edward Ranieri, Sgt. Robert Warshefskie, and PO Manuel Sepulveda of the 102 nd Precinct, approached \$\frac{\mathbb{S}^{7(2)}}{\mathbb{S}^{7(2)}}\$ s license. \$\frac{\mathbb{S}^{87(2)(b)}}{\mathbb{S}^{87(2)(b)}}\$ explained that he did not have a license. PO Ranieri discovered that \$\frac{\mathbb{S}^{87(2)(b)}}{\mathbb{S}^{87(2)(b)}}\$ s license was suspended. \$\frac{\mathbb{S}^{87(2)(b)}}{\mathbb{S}^{87(2)(b)}}\$ exited his vehicle and was handcuffed. \$\frac{\mathbb{S}^{87(2)(b)}}{\mathbb{S}^{87(2)(b)}}\$ alleged that his vehicle was searched by PO Sepulveda and PO Ranieri (Allegation G). At the conclusion of this search, \$\frac{\mathbb{S}^{87(2)(b)}}{\mathbb{S}^{87(2)(b)}}\$ alleged that PO Sepulveda frisked was transported to the 102 nd Precinct and arrested for driving with a suspended license.
On October 8, 2008, PO Frank Lupo did not prepare a stop and frisk report as required (Allegation I).
§ 87(2)(b), § 87(2)(g)
8 97/2Vb) 8 97/2Vb)
R 07/07/L)
§ 87(2)(b), § 87(2)(g)
\$ 07/7VE\
§ 87(2)(b), § 87(2)(g), § 87(4-b)
N C (I) MA
Summary of Complaint
§ 87(2)(b)
is § 87(2)(b)
filed a complaint with Internal Affairs on October 9, 2007 (encl. 4a – 4b). This complaint was forwarded to the CCRB on October 11, 2007 (encl. 5a – 5c). Ser(2)(b) provided a brief telephone statement on October 15, 2007 (encl. 6). Ser(2)(b) was interviewed at the CCRB on October 29, 2007 (encl. 7a – 7f). Inconsistencies between services betwee



(Allegation G). The glove compartment, in between the front and back seats, and the consul were searched. No marijuana was found in \$87(2)(b) s vehicle. \$87(2)(b) alleged that PO Sepulveda frisked \$87(2)(b) around his body, but did not look in any of his pockets.
A crowd of people had begun to gather at this time, including a friend of \$87(2)(b) \$\$, \$87(2)(b) \$\$ was at the scene as well. Someone had called \$87(2)(b) \$\$ and she ran over to the scene at this time. \$87(2)(b) \$\$ arrived during the search of \$87(2)(b) \$\$ s vehicle. \$87(2)(b) \$\$ also told the officers that \$87(2)(b) \$\$ did not smoke marijuana. All three officers transported \$87(2)(b) \$\$ to the 120th Precinct, where he was charged with driving with a suspended license.
Results of Investigation
Witness Statements:
§ 87(2)(b)
is a Hispanic male. \$87(2)(b) provided a brief statement in the complaint filed by with Internal Affairs (encl. 4a – 4b). \$87(2)(b) provided a brief telephone statement on October 19, 2007 (encl. 8). Inconsistencies between his statements have been noted below.
On October 8, 2007, at approximately 9:00 AM, \$87(2)(b) exited \$87(2)(b) with An unmarked vehicle pulled up and officers, identified through the investigation as PO Frank Lupo, PO Manuel Sepulveda and PO Edward Ranieri of the 102 nd Precinct, exited this vehicle. \$87(2)(b) and his companions were instructed to face a fence along the sidewalk. The officers told them to take out their IDs. Then the officers said to disregard that instruction, and put their hands on the bar on top of the fence. PO Sepulveda proceeded to search \$87(2)(b) The remaining officers searched his companions.
PO Sepulveda patted \$87(2)(b) down. \$87(2)(b) had a cellular phone clipped to his waistband. His cellular phone is approximately 6 inches long. PO Sepulveda searched inside all of the pockets on \$100 s jeans. \$87(2)(b). \$87(2)(d) CVR \$50-b
PO Sepulveda then instructed \$87(2)(b) to buckle his pants, sit on the ground and take of his sneakers. PO Sepulveda patted \$87(2)(b) s ankle area and looked inside his sneakers.
At this time, the remaining officers had concluded their searches of \$87(2)(b) said that he was going to call Internal Affairs and file a complaint. The officers' laughed, entered the unmarked van, and drove away. No one was arrested or issued a summons as a result of this incident. called 911 immediately following the incident, and was transferred to IAB. At the time of his complaint with Internal Affairs (encl. 4a – 4b), \$87(2)(b) stated that an officer had told him to "shut the fuck up." He made no mention of this allegation during his telephone statement.
The investigation made the following attempts to obtain a formal statement from \$87(2)(b) A contact letter was mailed to \$87(2)(b) on October 12, 2007. A call was placed to \$87(2)(b) s number on October 19, 2007. A brief telephone statement was obtained at this time, and an interview was scheduled for October 23, 2007. On this date, \$87(2)(b) failed to appear for his scheduled interview. Also on this date, a call was placed to \$87(2)(b) s number and a second interview was scheduled for October 31, 2007. On this date, \$7(2)(b) failed to appear for his second, scheduled interview. A missed appointment letter was sent to \$7(2)(b) on November 01, 2007. A call was placed to \$87(2)(b) s number on November 9, 2007, and a third interview was scheduled for November 14, 2007. On this date, \$87(2)(b) failed to appear for his third, scheduled interview. Between December 5, 2007, and December 10, 2007, three calls were placed to \$7(2)(b) s number. No further attempts were made to contact \$7(2)(b)



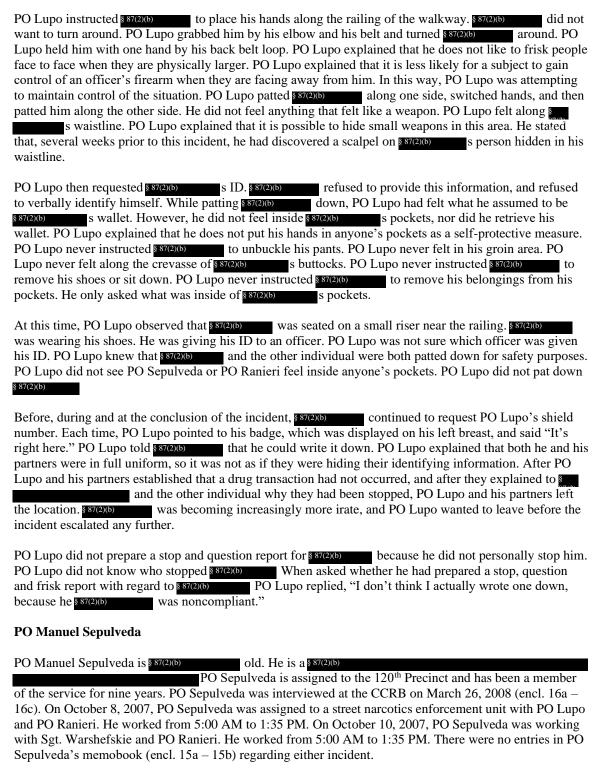
§ 87(2)(b)
is \$87(2)(b) old. She is a black female. \$87(2)(b) provided a telephone statement on November 21, 2007 (encl. 10).
On October 10, 2007, at approximately 12:00 PM, Ms someone came and told that her fiancée, someone came and told som
was in handcuffs and stood by one of the police vehicles. \$\frac{87(2)(b)}{87(2)(b)}\$ was standing nearby, possibly by another police vehicle. \$\frac{87(2)(b)}{87(2)(b)}\$ did not see any officers frisk or search \$\frac{87(2)(b)}{87(2)(b)}\$ approached Sgt. Warshefskie. \$\frac{87(2)(b)}{87(2)(b)}\$ asked Sgt. Warshefskie what was happening. Sgt. Warshefskie did not say anything. \$\frac{87(2)(b)}{87(2)(b)}\$ asked Sgt. Warshefskie if she could have \$\frac{87(2)(b)}{87(2)(b)}\$ s possessions, including money that she had given to him. Sgt. Warshefskie said that she could not, and accused her of being irate. \$\frac{87(2)(b)}{87(2)(b)}\$ said that she was only asking a question, as an adult, and that the money belonged to her. Sgt. Warshefskie began to walk away. \$\frac{87(2)(b)}{87(2)(b)}\$ said that if he would not give it to her she would take it from \$\frac{87(2)(b)}{87(2)(b)}\$ Eventually, Sgt. Warshefskie gave Ms \$\frac{87(2)(b)}{87(2)(b)}\$ the money that \$\frac{87(2)(b)}{87(2)(b)}\$ had on his person.
Meanwhile, PO Ranieri and PO Sepulveda searched \$\frac{87(2)(b)}{87(2)(b)}\$ s vehicle. They searched both the front and back of searched both the front and a back door, possible on one side of the vehicle, were open. \$\frac{87(2)(b)}{87(2)(b)}\$ s vehicle. At the conclusion of this search, \$\frac{87(2)(b)}{87(2)(b)}\$ was placed in the grey unmarked vehicle and was transported to the precinct.
Attempts to Contact Additional Witnesses:
§ 87(2)(b)
identified solutions as a victim in the incident which transpired on October 8, 2007. A Lexis Nexis search was requested on November 14, 2007. On November 21, 2007, the results of this request were returned and a call was placed to every potential number. None of these numbers were viable. On November 21, 2007, a second Lexis Nexis search was requested based on a different, potential address. None of the numbers listed in the results of this search bore solved a stop, question and frisk report that had been prepared for solved on October 8, 2007 by PO Ranieri. The investigation sent an initial contact letter, based on the address information noted on this report, on December 31, 2007. On January 22, 2008, the investigation sent a final contact letter. The investigation was ultimately unable to contact.
identified \$87(2)(b) as a witness to the incident that transpired on October 10, 2007. The investigation made the following attempts to contact and December 10, 2007, six calls were placed to some summer. A message was left after each attempt. On November 14, 2007, a Lexis Nexis check was requested for some summer. The investigation was unable to determine which address, if any, corresponded with some serious residence. The investigation was ultimately unable to contact some some some some serious places.

Police Officer Statements:

PO Frank Lupo

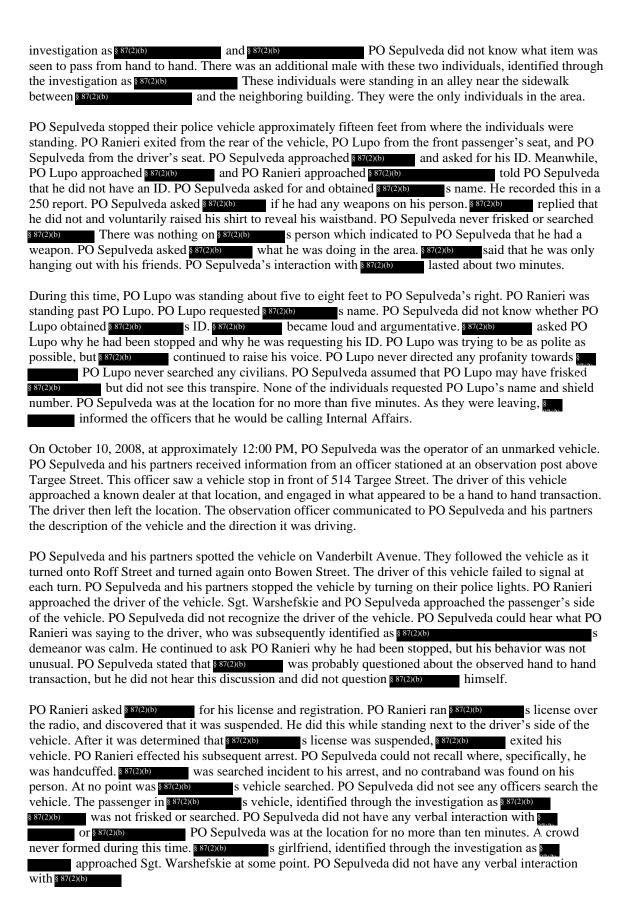
PO Frank Lupo is \$87(2)(b) old. He is a \$87(2)(b)
PO Lupo is assigned to the 120 th Precinct and has been a member of the service for seven years. He was interviewed at the CCRB on January 17, 2008 (encl. 12a – 12c). On the day of the incident, PO Lupo was assigned to a street narcotics enforcement unit operation with PO Ranieri and PO Sepulveda. He worked from 5:00 AM to 1:35 PM. PO Lupo was in uniform and assigned to an unmarked police van. Sgt. Warshefskie was PO Lupo's supervisor on this day, but was not present at the scene of the incident. There were no relevant entries in PO Lupo's memobook (encl. 11a – 11b) regarding this incident.
CCRB Statement
On October 8, 2007, at approximately 9:20 AM, PO Lupo was seated in the front of his assigned police vehicle. PO Lupo, PO Sepulveda and PO Ranieri were driving on Park Hill Avenue, PO Lupo observed walking on the sidewalk. PO Lupo explained that he frequently sees \$\frac{87(2)(b)}{87(2)(b)}\$ in this location and knows him by name, though he only refers to him by his last name. \$\frac{87(2)(b)}{87(2)(b)}\$ made a right onto a walkway located between \$\frac{87(2)(b)}{87(2)(b)}\$ and 55 Bowen Street. PO Lupo explained that there are a lot of drug transactions in that area.
continued to look over his shoulder at PO Lupo. This seemed suspicious, so PO Lupo and his partners slowly approached in his vehicle. PO Lupo and his partners drove ten to fifteen feet closer. PO Lupo then observed \$87(2)(b) and \$87(2)(b) engage in a hand to hand transaction. He was about eight feet away from \$87(2)(b) at this time. PO Lupo saw \$87(2)(b) put something in his pocket. He then started to walk away. There was another individual with \$87(2)(b) and \$87(2)(b) identified through the investigation as \$87(2)(b)
Aside from indicating what he had seen, PO Lupo did not have a discussion with his partners regarding the stop. PO Lupo, PO Sepulveda and PO Ranieri exited the police van. When the officers exited, \$\frac{87(2)(b)}{2}\$ attempted to walk down the stairwell towards the building. PO Lupo approached \$\frac{87(2)(b)}{2}\$ PO Lupo asked everyone to show their hands. Everyone complied, except for \$\frac{87(2)(b)}{2}\$ PO Lupo explained to that he was being stopped in relation to an observed drug transaction.
became very belligerent at this time. \$87(2)(b) verbally insulted PO Lupo with a number of expletives that PO Lupo did not wish to repeat. \$87(2)(b) told PO Lupo to go catch a murderer. At this time, \$87(2)(b) attempted to walk away. PO Lupo was not sure which officer stopped \$87(2)(b) and \$87(2)(b) but stated that they were stopped about five to six feet from \$87(2)(b) PO Lupo did not see the interaction between his partners, \$87(2)(b) or \$87(2)(b) because he was focusing on \$87(2)(b) b
had both his hands in his pockets at this time. PO Lupo asked \$87(2)(b) to remove his hands from his pockets. \$87(2)(b) refused. PO Lupo said that he needed \$87(2)(b) to remove his hands for safety purposes, because he did not know what \$87(2)(b) may have had in his pockets. continued to direct profanity towards PO Lupo. PO Lupo told \$87(2)(b) that he had seen outside the location, that he knew what \$87(2)(b) did in that location, and that he had seen hand something to \$87(2)(b) PO Lupo told \$87(2)(b) that this was why he had been stopped and, by not complying, he was creating an unnecessary situation.
told PO Lupo that he had the number to Internal Affairs programmed on speed dial into his cellular phone. stated this throughout the incident, and also said that he would 'have his badge.' He took out his cellular phone. 87(2)(b) kept one hand in his pocket, and turned this side of his body away from PO Lupo. His failure to comply, in addition to the turning away, indicated to PO Lupo that

may have possessed a weapon.



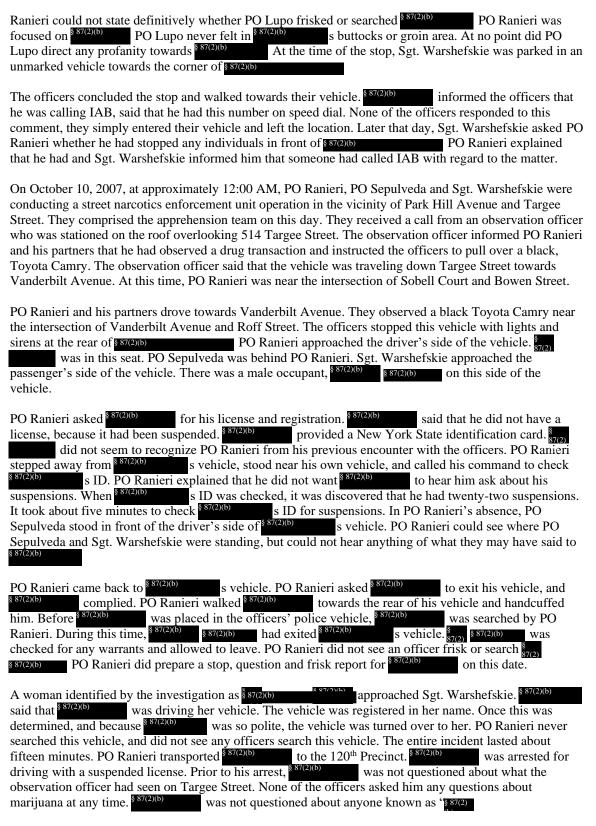
CCRB Statement

On October 8, 2007, at approximately 9:20 AM, PO Sepulveda and his partners were driving on Park Hill Avenue. PO Sepulveda was the operator of their unmarked vehicle. Either PO Lupo or PO Ranieri observed what appeared to be a hand to hand transaction between two males, identified through the



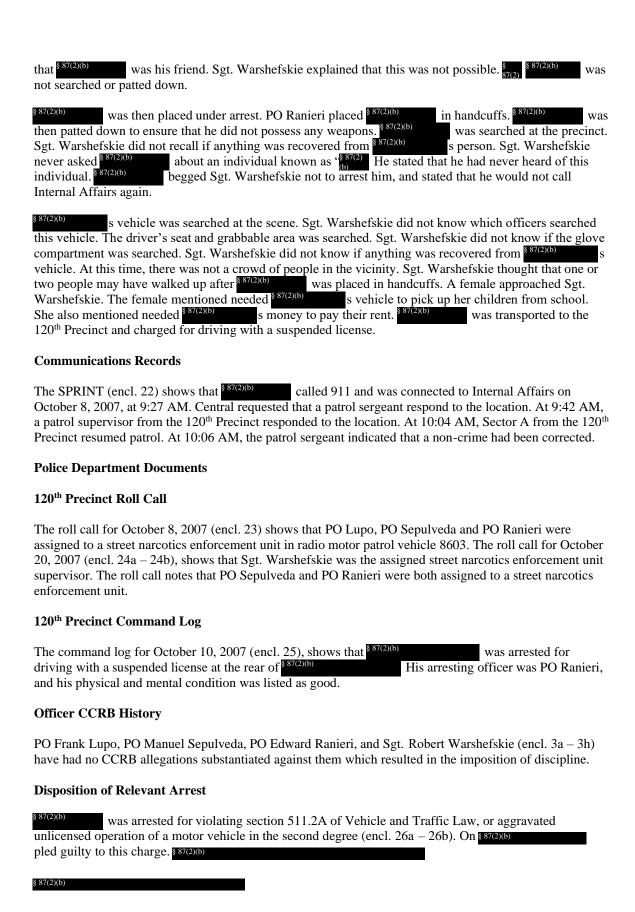
PO Edward Ranieri

PO Edward Ranieri is \$87(2)(b) PO Ranieri is assigned to the 120 th Precinct and has been a member of the service for three years. PO Ranieri was interviewed at the CCRB on February 29, 2008 (encl. 21a – 21c). On October 8, 2007, and on October 10, 2007, PO Ranieri was assigned to a street narcotics enforcement unit. On October 8, 2007, he worked from 5:00 AM to 1:35 PM with PO Lupo and PO Sepulveda. On October 10, 2007, he worked the same hours with PO Sepulveda and Sgt. Warshefskie. PO Ranieri's memobook (encl. 17a – 17c) notes that on October 8, 2007, at 10:15 AM, he stopped three males on the side of \$87(2)(b) At 10:20 AM, he prepared a stop, question and frisk report for \$87(2)(b) On October 10, 2008, at 12:40 PM, he stopped one vehicle towards the rear of \$87(2)(b) At 12:47 PM, he noted that one arrest at that location for a suspended license.
Police Reports
On October 8, 2007, PO Ranieri prepared a stop, question and frisk report (encl. 18a – 18b) for \$87(2)(b) The report noted that \$87(2)(b) was stopped at the side of \$87(2)(b) for suspected sale of a controlled substance. The circumstances which led to the stop were noted as actions indicative of engaging in a drug transaction and furtive movements. PO Ranieri noted that the stop lasted for two minutes and the stop was explained to \$87(2)(b) The report indicated that additional persons were stopped with \$87(2)(b) was not frisked or searched, and no contraband was found as a result of the stop.
On October 10, 2007, PO Ranieri prepared a stop, question and frisk report (encl. 19a – 19d) for The report noted that \$87(2)(b) was stopped at the rear of \$87(2)(b) for suspected sale of a controlled substance. The stop lasted seven minutes. The circumstances which led to the stop were noted as actions indicative of engaging in a drug transaction. It was also noted that \$87(2)(b) fit a description. PO Ranieri explained the stop and other individuals were stopped with \$87(2)(b) The report noted that \$87(2)(b) was arrested, was frisked and was searched. No weapons or contraband were found on his person.
On October 10, 2007, PO Ranieri prepared an arrest report (encl. 20a – 20c) for \$87(2)(b) This report noted that PO Ranieri had observed \$87(2)(b) operating a motor vehicle, and that \$87(2)(b) s license had twenty-two suspensions on nine different dates.
CCRB Statement
On October 8, 2007, at 10:15 AM, PO Ranieri was in his assigned vehicle with PO Lupo and PO Sepulveda. Three males, subsequently identified as \$87(2)(b) and \$87(2)(b) were standing in an alley which faces \$87(2)(b) PO Ranieri observed a hand to hand transaction. PO Ranieri saw something pass between and \$87(2)(b) shands. PO Ranieri was about fifty feet away from the individuals at this time. PO Ranieri explained that the area is a drug-prone location.
The officers drove closer to the three individuals and exited their vehicle. As the officers approached, began to walk away. PO Ranieri stopped stopped and spoke with him. PO Lupo stopped and PO Sepulveda stopped PO Lupo was standing between PO Ranieri and PO Sepulveda. They were situated in front of stopped PO Ranieri saw what appeared to be a hard object on stopped waistband. PO Ranieri frisked stopped PO Ranieri discovered that the hard object was a cellular phone. PO Ranieri's interaction with stopped PO Ranieri discovered that the hard object was a cellular phone. PO Ranieri's interaction with stopped PO Ranieri discovered that the hard object was a cellular phone.
During this time, PO Ranieri heard that \$87(2)(b) was arguing with PO Lupo. He could see PO Lupo and \$87(2)(b) in his peripheral vision. \$87(2)(b) said that "this is bullshit" and asked why he had been stopped. PO Lupo explained what the officers had stopped \$87(2)(b) and his companions. PO



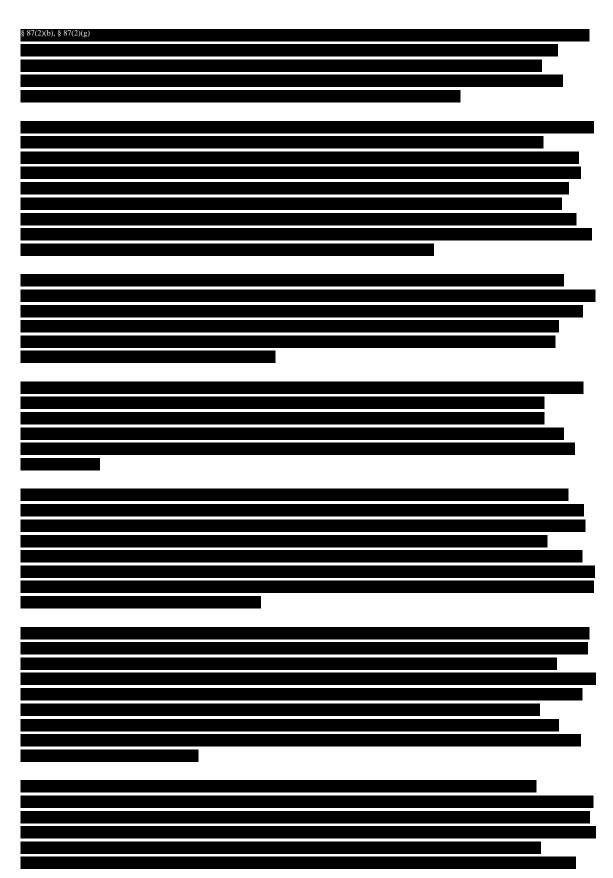
Sgt. Robert Warshefskie

Sgt. Robert Warshefskie is \$87(2)(b) years old. He is a \$87(2)(b) Sgt Warshefskie is assigned to the 120 th Precinct and has been a member of the service for nineteen years. Sgt. Warshefskie was interviewed at the CCRB on January 17, 2008. On October 8, 2007, Sgt. Warshefskie worked from 5:15 PM to 2:12 AM with PO Nieves as supervisor of SNEU operations. There were no relevant entries in Sgt. Warshefskie's memobook regarding this incident.
CCRB Statement
On October 8, 2007, at approximately 9:20 AM, Sgt. Warshefskie was parked near the corner of Three officers under Sgt. Warshefskie's supervision, PO Sepulveda, PO Lupo and PO Ranieri, were observing the location for narcotics transactions. Sgt. Warshefskie explained that the area is a drug prone location. They observed three or four males standing on a ramp in front of PO Sepulveda, PO Lupo and PO Ranieri parked and stopped these individuals. Sgt. Warshefskie explained that they were stopped because they were believed to have engaged in a narcotics transaction. Sgt. Warshefskie believed that the officers observed a hand to hand transaction, but he did not witness this.
One of these males, \$87(2)(b) is always outside of this location. He is frequently stopped, and always gives the officers a difficult time. Sgt. Warshefskie said that has the phone number to Internal Affairs programmed on speed dial into his cellular phone. Sgt. Warshefskie was not with the officers when they stopped and his companions. However, he could see the ramp on which and his companions were stopped. Although he saw the incident transpire, he could not hear anything of what was said.
Sgt. Warshefskie saw the officers approach conversation. Sgt. Warshefskie believed that strictly and his companions and engage them in was patted down. He did not know which officer was patted him down. At no point were any of the individuals handcuffed. Sgt. Warshefskie never saw any officers feel or his companions unbuckle their pants. Sgt. Warshefskie never saw any officers feel or his companions groin areas. Sgt. Warshefskie did not remember or his companions sit down. After he was patted down, Sgt. Warshefskie saw strictly or his cellular phone to, assumedly, make a phone call. As the officers left the location, strictly followed the police vehicle and recorded its license plate number. Sgt. Warshefskie said that a stop and question report should have been prepared for this incident.
On October 10, 2007, at approximately 12:00 PM, Sgt. Warshefskie was conducting a narcotics operation outside of 514 Targee Street. He was assigned to an unmarked police vehicle. He did not recall who he was working with on this date. Sgt. Warshefskie observed a vehicle park in front of this location. An officer stationed on the roof of this location radioed that the occupant of the vehicle had been observed purchasing a bag of marijuana from an individual in front of 514 Targee Street. The vehicle then drove to Bowen Street. Sgt. Warshefskie followed the vehicle and stopped it at this location. He stopped it in connection with the observed sale on 514 Targee Street.
Sgt. Warshefskie did not recall which officer first approached the vehicle. He recalled that there was an officer by the driver's side window of the vehicle, and that he then walked to this side of the vehicle as well. Sgt. Warshefskie could not recall the first thing he said to Sgt. Warshefskie stated that he did not know that the occupant was until he was subsequently instructed to exit the vehicle. Sgt. Warshefskie did not recall what specifically said, but he did remember that was under the impression that he was being harassed because he had called Internal Affairs. Sgt. Warshefskie said that this was not the case, because they did not know that the occupant of the vehicle was until he was stopped.
was instructed to exit his vehicle. He was instructed to exit the vehicle because of the observed narcotics transaction. \$\frac{87(2)(b)}{5}

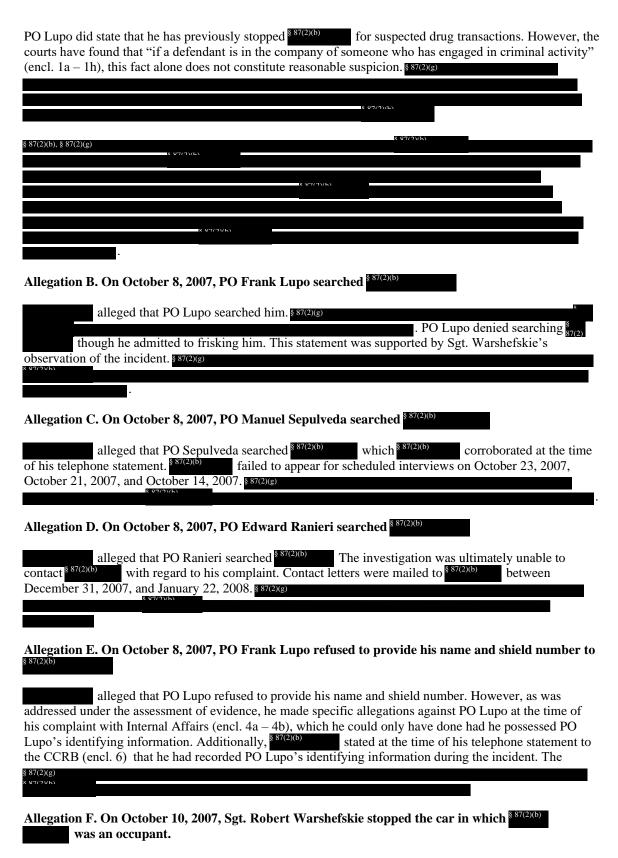


§ 87(2)(b)
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Conclusions and Recommendations
Officer Identification
Statements and documentary evidence confirmed the involvement of PO Lupo, PO Sepulveda and PO Ranieri in the incident which transpired on October 8, 2007. As PO Lupo admitted to stopping this allegation is pleaded against him. As \$\frac{87(2)(b)}{2}\$ was clear in stating that PO Lupo searched him while PO Sepulveda searched \$\frac{87(2)(b)}{2}\$ and PO Ranieri searched \$\frac{87(2)(b)}{2}\$ a respective search allegation has been pleaded against each of these officers. As \$\frac{87(2)(b)}{2}\$ was clear in stating that PO Lupo refused to provide his name and shield number, this allegation has been pleaded against him.
Statements and documentary evidence confirmed the involvement of Sgt. Warshefskie, PO Sepulveda and PO Ranieri in the incident which transpired on October 10, 2007. As Sgt. Warshefskie admitted to stopping the \$37(2)(b) so vehicle, this allegation has been pleaded against him. \$37(2)(b) stated that his vehicle was searched PO Sepulveda and PO Ranieri, both of whom denied searching this vehicle. As Sgt. Warshefskie stated that a search of \$37(2)(b) so vehicle was conducted, and as Sgt. Warshefskie was the supervising officer at the scene of the incident, a search allegation with respect to \$37(2)(b) so vehicle has been pleaded against him. Though \$37(2)(b) said that \$37(2)(b) was frisked, \$37(2)(b) stated that PO Sepulveda searched him. A search allegation has therefore been pleaded against PO Sepulveda.
Undisputed Facts
It is undisputed that PO Lupo stopped § 87(2)(b) on October 8, 2007.
It is undisputed that Sgt. Warshefskie stopped the vehicle in which \$87(2)(b) was an occupant on October 10, 2007. The reason for which this vehicle was stopped is undisputed.
§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)		
§ 87(2)(b), § 87(2)(g)		



§ 87(2)(b), § 87(2)(g)
Allegations Not Pleaded
Antegations Not I leaded
While \$87(2)(b) alleged that PO Lupo searched \$87(2)(b) made no mention of this at the time of his telephone statement. Therefore, a search allegation with respect to \$87(2)(b) has not been pleaded.
Allegation A. On October 8, 2007, PO Frank Lupo stopped \$87(2)(b)
A police officer is allowed to stop a person in a public place "when he reasonable suspects that such a person is committing, has committed, or is about to commit" (encl. $1a - 1h$) a crime. An officer must have a 'particularized and objective' basis whereupon to suspect that a particular of engaging in criminal activity, and must be able to articulate those specific facts which instigated the stop.
PO Lupo stopped \$87(2)(b) by instructing him to show his hands and later instructing him to place his hands along a rail bordering the sidewalk of \$87(2)(b) According to PO Lupo, he stopped after observing a hand to hand transaction. When an officer "observes an exchange of currency for an unidentified object, reasonable suspicion will arise if the exchange occurs in a drug-prone area" (encl. 1a – 1h). However, as was addressed under the assessment of evidence, PO Lupo did not articulate what was seen to have passed between \$87(2)(b) and \$87(2)(b) While PO Lupo saw \$87(2)(b) look over his shoulder several times and then place something in his pocket, these actions are inherently innocuous



The stop of an automobile constitutes a seizure. According to *People v. May*, "an officer may stop a vehicle to investigate criminal activity when he has a reasonable suspicion that its occupants have been engaged,

are presently engaged, or are about to engage in conduct in violation of the law" (encl. 1a – 1h). In this case, as was addressed under the assessment of evidence, Sgt. Warshefskie was informed that the occupant of a black Toyota Camry purchased a bag of marijuana from an individual in front of 514 Targee Street. 887(2)(b) admitted to parking on Targee Street and confirmed that his vehicle is a black Toyota Camry. Sgt. Warshefskie was further informed as to where this vehicle was headed. Sgt. Warshefskie followed this vehicle from Bowen Street to the rear of \$87(2)(b) 514 Targee Street is located three blocks away from \$87(2)(b)
The information which was communicated to Sgt. Warshefskie was clear and specific, and he stopped \$\frac{8}{57(2)}\$ s vehicle three blocks away from the location of the observed narcotics transaction. \$\frac{8}{57(2)}(6), \frac{8}{57(2)}(6)\$
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\$ 87(2)(b), \$ 87(2)(g) Allegation G. On October 10, 2007, Sgt. Robert Warshefskie supervised the search of the car in
which § 87(2)(b) was an occupant.
The United States Supreme Court has held that, absent a warrant, the police may execute a search of a vehicle when "they have probable cause to believe that it contains contraband, a weapon, or evidence of a crime" (encl. $1a - 1h$). The conditions from probable cause arises may exist independently from those which resulted in the arrest of the occupant of the vehicle.
s vehicle was searched after he was arrested. According to <i>People v. Johnson</i> a vehicle may be searched "when the police develop information creating probable cause to believe there is evidence of a crime in the car, even when the defendant is arrested outside the car for an unrelated crime" (encl. 1a – 1h). As was addressed under the assessment of evidence, the vehicle that was driving on the day of the incident was a black Toyota Camry, which was the same make and model of the vehicle from which an occupant had been observed purchasing a bag of marijuana. Additionally, was traveling in the same direction as the vehicle observed in this narcotics transaction and his vehicle was stopped three blocks away from the location of the transaction itself.
§ 87(2)(b), § 87(2)(g)
8 07/20/13
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Allegation H. On October 10, 2007, PO Sepulveda searched (b) \$87(2) \$87(2)(b)
alleged that PO Sepulveda frisked \$87(2)(b) stated that he was searched by PO Sepulveda. PO Sepulveda denied frisking or searching \$7(2) \$87(2)(b) which PO Ranieri and Sgt. Warshefskie corroborated. \$7(2) \$87(2)(b) failed to appear for a scheduled interview on November 26, 2007. Between November 14, 2007, and December 10, 2007, five calls were placed to \$7(2) \$87(2)(b) made no attempts to contact the investigation with regard to this case. The
§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)	
§ 87(2)(g), § 87(4-b)	
Investigator:	Date:
Supervisor:	Date:

Date:

Date:

Reviewed by:

Reviewed by: